

**REMARKS**

In the present Amendment, claim 1 has been amended to replace formula (I) with a recited Markush group of specific monomer units within the scope of formula (I). Section 112 support for the amendment may be found, for example, at pages 11 and 12 of the specification. The recited monomers are those employed in the working Examples of the present application, as seen in Table 1 at page 90 of the specification.

Claim 2 has been amended consistent with the amendment to claim 1.

Claims 3 and 4 have been amended to be consistent with the previous amendment to claim 1 filed February 3, 2006. Applicants inadvertently overlooked to amend claims 3 and 4 at that time.

Claim 11 has been canceled, in view of the amendment to claim 1.

Finally, the subject matter deleted from claim 4 has been presented in new claim 13, which depends from claim 3. In addition, the grammar of the claims has been improved.

No new matter has been added. Upon entry of the amendments, which is respectfully requested, claims 1-10 and 13 will be pending.

In Paragraph No. 5 of the final Action, claims 1-11 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Miyake et al (EP 909 657 A2).

Applicants submit that this rejection should be withdrawn because Miyake et al EP '657 does not disclose or render obvious the infrared-sensitive lithographic printing plate of the present invention.

Anticipation under §102 requires the disclosure in a single prior art reference of each and every element of the invention, arranged as in the claim. Stated differently, anticipation under §102 requires identity of invention.

As discussed in the previous response filed February 3, 2006, Miyake et al EP '657 does not disclose the identical invention as claimed in the present claims, or fairly suggest it.

The Examiner relies on Paragraph [0028] of Miyake et al as disclosing that the copolymers of Miyake et al contained in the layer (A) of Miyake et al may be used singly or in combination. The Examiner maintains that when the polymers are used in combination, the recitations of the present claims would be met.

This is not sufficient to support an anticipation of the present claims as amended. As discussed in the previous response, there is not a single example in Miyake et al EP '657 in which the copolymers of Miyake et al were used in combination. See the various "Photosensitive solutions" used as coating solutions in the working Examples of Miyake et al, which begins at page 42, paragraph [0190] of Miyake et al.

Furthermore, the copolymer of Miyake et al EP '657 does not even necessarily contain a sulfonamide group. The layer (A) of Miyake et al contains at least one of the following monomers (a-1) to (a-3):

(a-1) a monomer having in the molecule a sulfonamide group wherein at least one hydrogen atom is linked to a nitrogen atom,

(a-2) a monomer having in the molecule an active amino group represented by general formula (I) shown at page 3 of Miyake et al, and

(a-3) a monomer selected from acrylimide, methacrylamide, acrylate, methacrylate and hydroxystyrene, which respectively have a phenolic hydroxyl group.

As discussed in the previous response, it appears that only those copolymers which contain a monomer (a-1) of Miyake et al would include a sulfonamide group.

Further, the copolymers of Miyake et al do not necessarily contain a repeating unit based on the monomer of formula (I) of the present application, let alone a repeating unit based on the specific compounds now recited in Markush form in independent claim 1. Miyake et al state at paragraph [0023] that the copolymer “may” include copolymerization components other than (a-1) to (a-3). As other copolymerization components, Miyake et al lists, beginning in paragraph [0024], many, many possibly monomers. While the monomers of formulas (IX), (X) and (XI) of Miyake et al would, if the substituents are selected with the proper hindsight, be within the scope of present formula (I) of the present application, there is no requirement that such a monomer be selected from the many possible monomers listed at page 6 of Miyake et al. And, as noted, formula (I) has been deleted from present claim 1 and replaced with a recited Markush group of specific compounds. Miyake et al does not disclose, suggest or teach the subgenus of specific compounds recited in independent claim 1, as amended.

The Examiner has not pointed to any reason why a person of ordinary skill in the art would have been motivated to select the particular monomers she has chosen, apparently based on hindsight, as opposed to or to the exclusion of all of the many other possible monomers disclosed in Miyake et al.

Miyake et al simply does not disclose or fairly suggest the infrared-sensitive lithographic printing plate of the present invention.

Finally, as discussed, claim 1 has, in the present Amendment, been amended to recite in Markush form a subgenus of specific compounds which is not disclosed or suggested in Miyake et al.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the section 102(b) anticipation rejection of claims 1-11 based on Miyake et al EP '657.

In Paragraph No. 6 of the Action, claims 1-11 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Tomita et al (EP 1 219 464 A2).

Applicants submit that this rejection should be withdrawn because Tomita et al EP '464 does not disclose or render obvious the infrared-sensitive lithographic printing plate of the present invention.

As discussed above, independent claim 1 has been amended to recite a subgenus of specific compounds, in place of formula (I). Tomita et al does not disclose or render obvious the recited subgenus of compounds.

Further, the Examiner has not pointed to a single example in Tomita et al where Tomita et al used a combination of "high molecular compounds which are transformed into alkali-soluble by heating," see Tomita et al at paragraph [0128], let alone a combination of such compounds which would satisfy the present claim limitations. Tomita et al, like Miyake et al, disclose at paragraphs [0121] through [0128] numerous monomers which may be employed in the so-called "high molecular compound" of Tomita et al. Even if Tomita et al disclosed the subgenus of specific compounds now recited in independent claim 1 in place of formula (I) -- which it does not -- it would clearly be an exercise in hindsight to pick and choose from the various monomers of Tomita et al to arrive at two copolymers, one of which would satisfy

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element (A) of the present claims, and the other of which would satisfy element (B) of the present claims. Tomita et al does not disclose or fairly render obvious the infrared-sensitive lithographic printing plate of the present invention.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw the section 102(b) anticipation rejection based on Tomita et al EP '464.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Date: April 6, 2006